

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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TERRELL A. BERRY,

Plaintiff,

-v-

9:20-CV-177

CORRECTIONAL OFFICER  
C. TREMBLAY *et al.*,

Defendants.

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APPEARANCES:

TERRELL A. BERRY  
Plaintiff, Pro Se  
19-A-2478  
Franklin Correctional Facility  
P.O. Box 10  
Malone, NY 12953

OF COUNSEL:

HON. LETITIA JAMES  
New York State Attorney General  
Attorneys for Defendants  
The Capitol  
Albany, NY 12224

KONSTANDINOS D. LERIS, ESQ.

DAVID N. HURD  
United States District Judge

**ORDER ADOPTING REPORT & RECOMMENDATION**

On February 20, 2020, pro se plaintiff Terrell A. Berry (“plaintiff”) filed this civil rights action alleging that defendants violated his constitutional

rights while he was incarcerated at Franklin Correctional Facility. Dkt. No. 1. Following an initial review of the complaint, this Court ordered a response to plaintiff's First Amendment retaliation claims against defendants Tremblay and Finnel. Dkt. No. 14. Thereafter, defendants moved to dismiss plaintiff's complaint for failure to state a claim. Dkt. No. 22.

On April 22, 2021, U.S. Magistrate Judge Thérèse Wiley Dancks advised by Report & Recommendation ("R&R") that defendants' motion to dismiss be granted and that plaintiff's complaint be dismissed. Dkt. No. 32. Plaintiff has filed objections. Dkt. No. 37.

Upon *de novo* review of the portions to which plaintiff has objected, the Report & Recommendation is accepted and adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 32) is accepted and adopted; and
2. Plaintiff's complaint is DISMISSED.

IT IS SO ORDERED.



David N. Hurd  
U.S. District Judge

Dated: June 23, 2021  
Utica, New York.